IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1318 OF 2002

Hasim Moosa K. ...Appellant
Versus
The Municipal Corporation of Gr. Bombay ...Respondent

Shri P.N.Patwardhan for the Appellant.
Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : FEBRUARY 28, 2007.

P.C.:

1. Heard Advocate appearing for the Appellant. He has placed on record affidavit of the Appellant. Affidavit is marked "X" for identification. The learned Advocate for the Appellant states that the Appellant is personally present in the court.

2. In view of the affidavit, following final order is passed:

(i) Appeal is dismissed as withdrawn.

(ii) Notwithstanding the dismissal of the Appeal, it will be open for the Appellant to apply for regularisation of the suit structure. If such Application is made within a period of eight weeks from today to the concerned authority of

the Respondent Corporation, the same shall be decided by the concerned authority within a period of eight weeks from the date of filing of the Application.

(iii) If such Application for regularisation is made within a period of eight weeks from today, the Respondent Corporation shall not demolish the suit structure for a period of six months from today. However, if the Application is not made within the stipulated period of eight weeks, on completion of said period of eight weeks the Respondent Corporation will be free to proceed with the demolition.

(iv) The order passed on Application for regularisation, if made, shall be communicated to the Appellant within a period of one week from the date of passing order.

(v) The Application for regularisation shall be considered on its own merits.

(vi) Parties to act upon an authenticated copy of this order.

JUDGE